

# Order

Michigan Supreme Court  
Lansing, Michigan

October 27, 2005

Clifford W. Taylor,  
Chief Justice

128374

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

CHARLES PITTS,  
Plaintiff-Appellant,

v

SC: 128374  
COA: 260426  
Genesee CC  
Family Division: 02-243658-DP

SUSAN BEAM,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the February 25, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), we direct the Clerk to schedule oral argument on whether to grant the application or take other peremptory action permitted by MCR 7.302(G)(1). The parties are directed to file supplemental briefs, within 28 days of the date of this order, which shall address whether the allegation in plaintiff's October 16, 2002 Complaint for Paternity that "the Defendant was not married at the time of conception [of the minor child], nor at the time of the birth of the minor child," constitutes fraud on the court within the meaning of MCR 2.612(C)(2), and whether this issue was abandoned by defendant on appeal to the Court of Appeals. The parties should avoid submitting a mere restatement of the arguments made in their application papers.

We invite the Family Law Section of the State Bar of Michigan to file an amicus curiae brief on this issue.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 27, 2005

*Corbin R. Davis*

Clerk